

EGGS
Act 244 of 1963

AN ACT to promote the egg industry in this state; to provide for federal quality and size standards for eggs; to regulate the processing, marking, branding, advertising and sale of eggs, and the licensing of egg breaking establishments; and to provide penalties for the violation of this act.

History: 1963, Act 244, Eff. Sept. 6, 1963;—Am. 1964, Act 131, Eff. Aug. 28, 1964.

The People of the State of Michigan enact:

289.321 Eggs; definitions.

Sec. 1. As used in this act:

- (a) “Director” means the director of agriculture.
- (b) “Person” means an individual, partnership, association, corporation and any other business unit, or a receiver, trustee or assignee thereof.
- (c) “Producer” means a person directly responsible for the production of eggs from domesticated chickens.
- (d) “First receiver” means a person who receives eggs from a producer at any place of business where such eggs are to be candled, graded, sorted and packed or packaged.
- (e) “Wholesaler” means a person who sells eggs to anyone for resale to a consumer.
- (f) “Retailer” means a person offering or selling eggs direct to a consumer.
- (g) “Consumer” means a person purchasing eggs for his own family use or consumption.
- (h) “Candling” means the examination, in a partially darkened room or place, of the interior of an egg by twirling the same before a bright light passing through an aperture in an opaque shield or by another approved method.
- (i) “Atmospheric temperature” means temperature of the atmosphere within the enclosure in which the temperature is being measured.

History: 1963, Act 244, Eff. Sept. 6, 1963;—Am. 1965, Act 132, Eff. Mar. 31, 1966.

289.321a United States department of agriculture, state director of agriculture; standards.

Sec. 1a. Whenever the terms “standard” or “standards of quality and grade” are used in this act they shall mean those standards not less than those established by the United States department of agriculture and promulgated by the state director of agriculture.

History: 1963, Act 244, Eff. Sept. 6, 1963.

289.322 Eggs unfit for human consumption; denaturing, destruction.

Sec. 2. No person shall sell, offer or expose for sale to the consumer or to the retail trade, or have in his possession with intent to sell to the consumer or to the retail trade, any egg which is unfit for human food. Such an egg shall be broken out of the shell and denatured or destroyed by methods approved by the director so that it cannot be used for human food.

History: 1963, Act 244, Eff. Sept. 6, 1963.

289.323 Eggs unfit for human consumption; description of unfit eggs.

Sec. 3. Eggs described by the United States department of agriculture as black rots, white rots, mixed rots (addled eggs), sour eggs, eggs with green whites, stuck yolks, blood rings, or embryos beyond blood ring stage, moldy eggs, musty eggs, bloody whites, crusted yolks, eggs with abnormal odors, and any eggs which contain wholly or in part a tainted, disease, filthy, decomposed or putrid substance are deemed to be unfit for human food. Such eggs shall be denatured or disposed of by a method approved by the director.

History: 1963, Act 244, Eff. Sept. 6, 1963.

289.324 False or misleading advertising; sale prohibited.

Sec. 4. No person shall sell, offer or expose for sale, or advertise for sale, eggs for human consumption, if the package containing them, or any stamp or label on the package or on the eggs, or any advertising concerning or accompanying them, shall bear any statement, symbol or device regarding the eggs which may be false or misleading in any particular.

History: 1963, Act 244, Eff. Sept. 6, 1963.

289.325 Visual examination; certification of results; evidence.

Sec. 5. The final determination of all grade and quality factors of an official sample of shell eggs, shall be made by visual examination of the egg to determine cleanliness, soundness of shell and exterior quality, and

by candling or breaking to determine interior quality. The examination shall be made by a competent representative authorized by the director. The representative shall certify the results of the examination and his certificate shall be prima facie evidence of the facts therein certified to in any court where the certificate is offered in evidence.

History: 1963, Act 244, Eff. Sept. 6, 1963.

289.326 Grades; standards, nomenclature.

Sec. 6. (a) All standards of quality and grades for shell eggs in this state shall conform to the latest standards of quality and grades for eggs prescribed and promulgated by the director, or the United States department of agriculture except tolerances designated in section 10.

(b) For the purpose of interpreting grade specifications and terms descriptive of exterior and interior quality the latest specifications for official United States standards or standards prescribed and promulgated by the director for individual eggs shall be used.

(c) The voluntary use of the United States standards and grades for eggs and their nomenclature in accordance with the rules and regulations prescribed by the United States department of agriculture, cooperating with the state department of agriculture, is adopted.

History: 1963, Act 244, Eff. Sept. 6, 1963.

289.327 Grades as to size; designation in advertising, container label.

Sec. 7. All eggs sold, offered or exposed for sale, or advertised for sale by a retailer or wholesaler shall be marked to conform to one of the following size requirements. When the term “jumbo” is applied to any dozen or lot of eggs the eggs shall weigh at the rate of not less than 30 ounces per dozen, with no eggs below the rate of 29 ounces per dozen. When the term “extra large” is applied to any dozen or lot of eggs the eggs shall weigh at the rate of not less than 27 ounces per dozen with no eggs below the rate of 26 ounces per dozen. When the term “large” is applied to any dozen or lot of eggs the eggs shall weigh at the rate of not less than 24 ounces per dozen, with no eggs below the rate of 23 ounces per dozen. When the term “medium” is applied to any dozen or lot of eggs the eggs shall weigh at the rate of not less than 21 ounces per dozen, with no eggs below the rate of 20 ounces per dozen. When the term “small” is applied to any dozen or lot of eggs the eggs shall weigh at the rate of not less than 18 ounces per dozen with no eggs below the rate of 17 ounces per dozen. When the term “peewee” is applied to any dozen or lot of eggs the eggs shall weigh at the rate of not less than 15 ounces per dozen. All advertising shall include the correct unabbreviated size designation in describing eggs and the correct unabbreviated size designation shall also appear on the exterior of any container, open or closed, in which eggs are offered for sale to the retailer or the consumer.

History: 1963, Act 244, Eff. Sept. 6, 1963.

289.328 Representation as fresh.

Sec. 8. No person by himself or his agents or servants shall sell, offer or expose for sale, advertise, or in any manner represent for sale as strictly fresh, hennery, new laid, best, grade A, number 1, fancy, special, extra, selected, direct from the farm, or under any word, figures, symbols, or description of similar import, any eggs which are not fresh. No egg shall be deemed fresh which does not meet the standards of quality specified for the U.S. AA or A quality, or the equivalent thereof, as designated in the latest United States department of agriculture standards for individual eggs or standards prescribed and promulgated by the director.

History: 1963, Act 244, Eff. Sept. 6, 1963.

289.329 Quality markings.

Sec. 9. All eggs sold, offered or exposed for sale, or advertised for sale by a retailer or wholesaler shall be labeled or marked to conform to one of the following grade requirements:

(a) Eggs which fully meet the specifications of U.S. AA quality or fresh fancy quality, or the equivalent thereof, as described in the latest United States department of agriculture standards for individual eggs, shall be labeled and advertised as grade AA or fresh fancy eggs, Michigan seal of quality eggs, grade A or grade B eggs.

(b) Eggs which fully meet the specifications of the U.S. A quality, or the equivalent thereof, as described in the latest United States department of agriculture standards for individual eggs, shall be labeled and advertised as grade A or grade B eggs.

(c) Eggs which fully meet the specifications of a U.S. B quality, or the equivalent thereof, as described in the latest United States department of agriculture standards for individual eggs, shall be labeled and advertised as grade B eggs.

History: 1963, Act 244, Eff. Sept. 6, 1963.

289.329a Cull eggs; egg breaking plant, license, fee.

Sec. 9a. Eggs described in the United States department of agriculture standards for individual shell eggs, as cracks, checks, dirties or grade c eggs, may not be offered for sale or sold, in the shell. Such eggs may be broken out of the shell at the grading plant or grading station or may be offered for sale or sold to an egg breaking plant. All egg breaking plants shall be licensed by the director before engaging in the business of breaking out eggs. Application for license shall be made to the director upon forms furnished by him which contain such information as he may require and shall be accompanied by a fee of \$10.00. After satisfactory investigation, the director shall issue to the applicant a license to operate an egg breaking plant. All licenses shall expire on December 31 following the date of issuance and shall be renewed annually on or before January 1 upon payment of a fee of \$10.00. All egg breaking plants shall comply with the sanitary and food laws of the state. The director may revoke, refuse or suspend any license when he determines that the provisions of this act have been violated.

History: Add. 1964, Act 131, Eff. Aug. 28, 1964.

289.330 Quality tolerances.

Sec. 10. Not more than 10% of the eggs of any given lot may be below the designated quality, and not less than 80% of the eggs below the designated quality shall meet the requirements for the next lower quality. Not more than 3% of the eggs of any given lot may be below the minimum weight requirements for that designated weight class, and the eggs below the designated size shall meet the requirements for the next lower size. The dozen or the average weight of all eggs in a given lot shall not be less than the minimum requirements for that size designation.

History: 1963, Act 244, Eff. Sept. 6, 1963.

289.331 Incubated eggs; definition, sale, denaturing or destruction, research or pharmaceutical use.

Sec. 11. "Incubated eggs" include all eggs which have been subjected to incubation practices, whether natural or artificial, for more than 48 hours. It is unlawful to transport, sell, offer for sale or advertise for sale incubated eggs in the shell. Incubated eggs shall be denatured or disposed of on the premises where such eggs were incubated, by a method approved by the director. Incubated eggs produced for research or pharmaceutical purposes may be removed from the premises upon the written approval of the director.

History: 1963, Act 244, Eff. Sept. 6, 1963.

289.332 Temperature control.

Sec. 12. Any person engaged in the business of buying for resale, selling, dealing in, trading in, transporting, candling, grading, sorting, packing or packaging eggs for human consumption shall maintain the temperature of the eggs not to exceed 60 degrees Fahrenheit except when such eggs are being candled, graded, sorted, packed or packaged, or transported to a first receiver. When eggs are being candled, graded, sorted, packed or packaged the atmospheric temperature in the working area, as measured 5 feet above the floor, shall not exceed 75 degrees Fahrenheit.

History: 1963, Act 244, Eff. Sept. 6, 1963.

289.333 Sale by producer to consumer or first receiver.

Sec. 13. All producers shall comply with this act except those selling eggs of their own production direct to consumers or when delivering or selling to a first receiver.

History: 1963, Act 244, Eff. Sept. 6, 1963.

289.334 State director of agriculture; rules and regulations.

Sec. 14. The director may make reasonable rules and regulations in accordance with the provisions of Act No. 88 of the Public Acts of 1943, as amended, being sections 24.71 to 24.82 of the Compiled Laws of 1948, and subject to Act No. 197 of the Public Acts of 1952, as amended, being sections 24.101 to 24.110 of the Compiled Laws of 1948, in the enforcement of the provisions of this act.

History: 1963, Act 244, Eff. Sept. 6, 1963.

289.335 Violations of act; penalty.

Sec. 15. Any person who violates any provision of this act shall be guilty of a misdemeanor.

History: 1963, Act 244, Eff. Sept. 6, 1963.

289.336 Repeal.

Sec. 16. Act No. 115 of the Public Acts of 1939, as amended, being sections 289.301 to 289.313 of the Compiled Laws of 1948, is repealed.

History: 1963, Act 244, Eff. Sept. 6, 1963.